

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GUILLERMO I. PINTADO,

Plaintiff,

vs.

CV F 96 5790 REC HGB P

ORDER RE MOTIONS
(DOCUMENTS 11, 12)

DEPT. OF CORRECTIONS, , et al.,

Defendants.

Plaintiff is a federal prisoner proceeding pro se. Pending before the court are plaintiff's motions to reopen the case and to amend the complaint.

This action was closed on June 25, 1997. The District Court adopted the findings and recommendations of the Magistrate Judge that this action be dismissed without prejudice for plaintiff's failure to prosecute.

On May 2, 2005, plaintiff filed a motion to reopen the case and to amend the complaint. On August 30, 2005, plaintiff filed a separate motion to reopen the case. The original lawsuit alleged that plaintiff suffered ill effects from the drinking water at CCI Tehachapi. Subsequent to his release, plaintiff was deported, and has since reentered the United States. Currently, plaintiff is in the custody of the U.S. Bureau of Prisons at the Federal Correctional Institution at Fairton, New Jersey. Plaintiff's ground for his motion is that he is still

1 suffering from the effects of the water he consumed at CCI Tehachapi.

2 Plaintiff is advised that the dismissal in 1997 was without prejudice. The court
3 did not reach the merits of plaintiff's claim. Plaintiff has not proffered any legal authority for
4 the proposition that this action should be re-opened and that he should be allowed to amend his
5 complaint.

6 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion to reopen the
7 case and to amend his complaint are denied.

8 IT IS SO ORDERED.

9 **Dated: October 4, 2005**
668554

/s/ Robert E. Coyle
UNITED STATES DISTRICT JUDGE